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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,487	11/03/2003	George N. Eross	19111.0115	3244
68009 7590 12/31/2007 BINGHAM MCCUTCHEN, LLP 2020 K STREET, NW BOX IP WASHINGTON, DC 20006			EXAMINER NGUYEN, CHAU T	
			ART UNIT 2176	PAPER NUMBER
			MAIL DATE 12/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/698,487

Applicant(s)

EROSS, GEORGE N.

Examiner

Chau Nguyen

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Amendment filed on 10/01/2007 has been entered. Claims 1-18 are currently pending. Claims 1 and 10 are independent claims.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-8, 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dave Raggett, "Clean up your Web Pages with HTML Tidy", 4th version (August 2000), pgs. 1-21 ("HTML Tidy"), and further in view of Perry, US Patent Application Publication No. 2004/0261017.**

4. **Regarding independent claim 1:**

HTML Tidy teaches a method of converting a structured document (XML or HTML) into a well-formed HTML document – i.e., XHTML (see pg. 2 – Introduction to Tidy and pg. 7, 2nd paragraph from bottom).

parsing an original structured document, (...);

identifying each first level element contained within the original structured document; generating a first level XHTML content fragment corresponding to each first level element; and

HTML Tidy teaches parsing an original structured document (see pg. 19: i.e., HTML and XML Parsers) and mapping the elements contained in the original structured document with the XHTML content fragment in order to perfect the code (see pg. 2 – Examples of TIDY at work). HTML TIDY then builds a clean parse tree and generates output for the code data (see pg. 4 – Layout style; pg. 11, last paragraph).

wherein the first level XHTML fragments are generated independent of the application that created the structured document.

HTML Tidy is an independent software application that generates XHTML independent of the application that created the original structured document (see pg. 2, paragraph 1).

HTML Tidy does not explicitly teach:

Providing each first level element to an element handler, wherein a first level element is provided to an element handler established for the first level element type and element handler is operated to generate a first level XHTML content fragment and identify other elements within a respective first level element, wherein the original structured document is one of a SGML or XML document and storing each of the first level XHTML fragments;

Perry discloses a method of formatting XML document into XHTML (page 3, paragraph [0029]. Perry discloses that each XML fragment (level element) is

converted by a type of instruction (an element handler) into a markup language fragment (the markup language preferably being understood by a Web browser) by specifying a transform to apply to the XML fragment, and the type of instruction specifies which transformation is to be apply to the XML fragment (page 3, paragraph [0030]. Perry further discloses an instruction (element handler) may be used to call another workflow document, i.e., the ability to reference one workflow document ("child workflow document) from within another workflow document (the "parent" workflow document) (page 5, paragraph [0040]). In addition, Perry discloses a data store for storing each of the plurality of markup language fragments after the conversion (Abstract and page 2, paragraph [0016]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Perry with HTML Tidy to include *Providing each first level element to an element handler, wherein a first level element is provided to an element handler established for the first level element type and element handler is operated to generate a first level XHTML content fragment and identify other elements within a respective first level element, wherein the original structured document is one of a SGML or XML document and storing each of the first level XHTML fragments. The construction of a document written in a markup language can thus be reduced to the assembly, execution and then conversion rendering of multiple workflow task (Perry, [0018]).*

5. **Regarding independent claim 10**, please refer to the rationale relied upon to reject independent claim 1, which contains substantially similar subject matter as independent claim 10.

6. **Regarding dependent claims 2 and 11**, HTML Tidy teaches parsing each first level element (see pg. 4 – Layout style; pg. 11, last paragraph; see pg. 19: i.e., HTML and XML Parsers).

7. **Regarding dependent claims 3 and 12**, HTML Tidy teaches determining whether each first level element contains a second level element (see pg. 19: i.e., HTML and XML Parsers; pg. 2 – Examples of TIDY at work; pg. 4 – Layout style; pg. 11, last paragraph. In traversing a hierarchical structured document, a parser inherently determines whether there exists another level of elements beyond the first level).

8. **Regarding dependent claims 4 and 13**, HTML Tidy teaches *generating second level XHTML content fragment corresponding to each element in the set of second level elements*. HTML Tidy teaches traversing a structured document (see pg. 19: i.e., HTML and XML Parsers) and mapping the elements contained in the original structured document with the XHTML content fragment in order to perfect the code (see pg. 2 – Examples of TIDY at work). HTML TIDY then builds

a clean parse tree and generates output for the code data (see pg. 4 – Layout style; pg. 11, last paragraph).

9. **Regarding dependent claims 5 and 14**, HTML Tidy teaches a method of parsing and converting a structured document to XHTML, but does not explicitly teach:

storing each of the second level XHTML fragments.

Perry discloses a data store for storing each of the plurality of markup language fragments after the conversion and repeating the processing, converting and storing steps to create a completed response document comprising a plurality of markup language fragments (Abstract and page 2, paragraphs [0015]-[0016]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Perry with HTML Tidy to include *storing each of the second level XHTML fragments. The construction of a document written in a markup language can thus be reduced to the assembly, execution and then conversion rendering of multiple workflow task (Perry, [0018]).*

10. **Regarding dependent claims 6, 7, 15, and 16**, HTML Tidy teaches determining and inserting the appropriate DOCTYPE element as per the W3C recommendations (see pg. 4, 3rd paragraph). Furthermore, although not explicitly taught by HTML tidy, it was commonly known to those of ordinary skill in the art

and would have been obvious at the time the invention was made to a person having ordinary skill in the art that a standalone document declaration can be included in a structured document (i.e., XML) for the motivational purpose of indicating whether the document contains external markup declarations that affect the content of the document.

11. **Regarding dependent claims 8 and 17**, HTML Tidy teaches opening the structured document (see pg. 9 – How to run Tidy, *et seq.*).

12. **Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dave Raggett, “Clean up your Web Pages with HTML Tidy”, 4th version (August 2000), pgs. 1-21 (“HTML Tidy”), further in view of Perry, US Patent Application Publication No. 2004/0261017, and in further view of Fong et al. (“Fong”), U.S. Patent Application Publication No. 2005/0166141.**

13. **Regarding dependent claims 9 and 18**, HTML Tidy, in view of Perry, teach traversing a structured document (see pg. 19: i.e., HTML and XML Parsers) and mapping the elements contained in the original structured document with the XHTML content fragment in order to perfect the code (see pg. 2 – Examples of TIDY at work), but does not explicitly teach generating a list of cross references including each element having a cross reference identification.

However, Fong teaches maintaining a history list of elements that have been referenced previously (see paragraphs [0018], [00141-143]). Since the references are from the same field of endeavor, the motivational purpose of providing a more efficient and faster user interface for mapping structured information to different structured information by reference as disclosed by Fong would have been recognized in the pertinent art of HTML Tidy, in view of Perry. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of HTML Tidy, in view of Perry, with the teachings of Fong to include generating a list of cross references including each element having across reference identification.

Response to Arguments

14. In the remarks, Applicant argued in substance that

A) "There is no disclosure in the entire reference directed to HTML Tidy performing any conversion between two types of a structured documents, much less a conversion from a SGML structured document or a XML structured document to a XHTML." (see page 7 of remarks)

In reply to argument A, Applicant described in the specification, page 9, lines 8-10 "Framework 100 can be implemented to convert a structured document, such as SGML and XML, to HTML content, such as XHTML." Thus, this sentence implies that HTML content is XHTML. In this case, HTML Tidy

teaches a method of converting a structured document (XML or HTML) into a well-formed HTML document – i.e., XHTML (see page 2, Introduction to Tidy and page 7, 2nd paragraph from bottom).

B) "There can be no parsing of an original structured document to be converted because HTML Tidy does not perform any type of conversion process." (see page 7 of remarks)

In reply to argument B, HTML Tidy discloses building a clean parse tree from the source file (original structured document) using XML parser (page 4, Layout style; page 11, last two paragraphs). HTML Tidy further discloses mapping the elements contained in the original structured document with the XHTML content fragment in order to perfect the code (page 2, Examples of Tidy at work).

C) "The Examiner also seems to suggest that an HTML document is the same as an XHTML document. This is not the case."

In reply to argument C, the examiner pointed out in argument A that Applicant described in the specification, page 9, lines 8-10 "Framework 100 can be implemented to convert a structured document, such as SGML and XML, to HTML content, such as XHTML." Thus, this sentence implies that HTML content is XHTML. Therefore, Applicant seems to suggest that an HTML document is the same as an XHTML document.

D) "Perry fails to disclose that the instruction that performs the transformation is operable to identify other element within a respective first level element." (see page 9 of the remarks)

In reply to argument D, Perry discloses that each XML fragment (level element) is converted by a type of instruction (an element handler) into a markup language fragment (the markup language preferably being understood by a Web browser) by specifying a transform to apply to the XML fragment, and the type of instruction specifies which transformation is to be apply to the XML fragment (page 3, paragraph [0030]. Perry further discloses an instruction (element handler) may be used to call another workflow document, i.e., the ability to reference one workflow document ("child workflow document) from within another workflow document (the "parent" workflow document) (page 5, paragraph [0040]).

E) "There is no suggestion in either reference that the technique of HTML Tidy can be applied to the invention of Perry." (see page 8 of the remarks)

In reply to argument E, applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, the instant invention discloses conversion program from XML to XHTML. HTML Tidy discloses building a clean parse tree from the source file (original structured document) using XML parser and mapping contained in the original structured document with the XHTML content fragment in order to perfect the code, which is similar to a method for converting XML to HTML or XHTML of Perry's. Therefore, both HTML Tidy and Perry are analogous arts, and one of ordinary skill in the art would combine HTML Tidy and Perry since they both disclose similar limitations as the instant invention.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (571) 272-4092. The examiner can normally be reached on 8:30 am – 5:30 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton, can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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